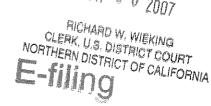
SCOTT N. SCHOOLS (SCSBN 9990) United States Attorney

CLEAK, U.S. DISTRICT COURT



# UNITED STATES DISTRICT COURT FOR THE

# NORTHERN DISTRICT OF CALIFORNIA

# SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

26 U.S.C. § 7206(1) - Making and Subscribing False Tax Returns.

v.

SIMON S. YUAN,

Defendant.

SAN JOSE VENUE

## INFORMATION

The United States Attorney charges:

COUNT ONE: (26 U.S.C. § 7206(1))

On or about May 4, 2003, in the Northern District of California, the defendant

### SIMON YUAN

then a resident of Los Altos, California, did willfully make and subscribe a Form 1120- U.S. Corporation Income Return of Hunan Garden Restaurant (Hunan) for the tax year ending September 30, 2002, which was verified by a written declaration that it was made under the penalty of periury and was filed with the Internal Revenue Service, which corporate income tax return the defendant did not believe to be true and correct as to every material matter, in that the defendant willfully omitted material information concerning the total income reported on the return, in that on line 11 of the corporate income tax return, the defendant claimed that the total



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INFORMATION

income for the tax year ending September 30, 2002 was \$663,933, when in truth and in fact, as the defendant well knew and believed, the total income of Hunan was in excess of that amount.

In violation of Title 26, United States Code, Section 7206(1).

<u>COUNT TWO</u>: (26 U.S.C. § 7206(1))

On or about June 28, 2004, in the Northern District of California, the defendant

### SIMON YUAN

then a resident of Los Altos, California, did willfully make and subscribe a Form 1120- U.S. Corporation Income Return of Hunan Garden Restaurant (Hunan) for the tax year ending September 30, 2003, which was verified by a written declaration that it was made under the penalty of perjury and was filed with the Internal Revenue Service, which corporate income tax return the defendant did not believe to be true and correct as to every material matter, in that the defendant willfully omitted material information concerning the total income reported on the return, in that on line 11 of the corporate income tax return, the defendant claimed that the total income for the tax year ending September 30, 2003 was \$636,207, when in truth and in fact, as the defendant well knew and believed, the total income of Hunan was in excess of that amount.

In violation of Title 26, United States Code, Section 7206(1).

COUNT THREE: (26 U.S.C. § 7206)(1))

On or about January 20, 2005, in the Northern District of California, the defendant

#### SIMON YUAN

then a resident of Los Altos, California, did willfully make and subscribe a Form 1120- U.S. Corporation Income Return of Hunan Garden Restaurant (Hunan) for the tax year ending September 30, 2004, which was verified by a written declaration that it was made under the penalty of perjury and was filed with the Internal Revenue Service, which incorporate income tax return the defendant did not believe to be true and correct as to every material matter, in that the defendant willfully omitted material information concerning the total income reported on the return, in that on line 11 of the corporate income tax return, the defendant claimed that the total income for the tax year ending September 30, 2004 was \$640,571, when in truth and in fact, as the defendant well knew and believed, the total income of Hunan was in excess of that amount.

In violation of Title 26, United States Code, Section 7206(1).

SCOTT N. SCHOOLS United States Attorney

MARK KROTOSKI Chief, Criminal Section

Approved as to Form

AUSA: JAY R.WEILL

INFORMATION

AO 257 (Rev. 6/78)  DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT	
BY: COMPLAINT INFORMATION INDICTMENT	Name of District Court, and/or Judge/MagIstrate Location NORTHERN DISTRICT OF CALIFORNIA
OFFENSE CHARGED SUPERSEDING	NONTHERM BIOTHOT OF OTHER OWNER.
26 USC § 7206(1) - 3 counts -	— DEFENDANT - U.S.
False Tax Retrun Petty	DEFENDANT - 0.0.
Minor	SIMON S. YUAN
Misde- meanor	DISTRICT COURT NUMBER
<b>✓</b> Felony	DISTRICT COURT NUMBER
PENALTY:	
26 USC § 7206(1) - 3 yrs imprisonment; \$250,000 fine; 1 yr - supervised release; \$100 Special Assessment	K U7 0338
	DEFENDANT PW
PROCEEDING	IS NOT IN CUSTODY
Name of Complaintant Agency, or Person (&Title, if any)	Has not been arrested, pending outcome this proceeding.  1) If not detained give date any prior summons
INTERNAL REVENUE SERVICE	was served on above charges
	2) Is a Fugitive
person is awaiting trial in another Federal or State Court, give name of court	3) Is on Bail or Release from (show District) 3
	3) Is on Bail or Release from (show District) 3  NORTHERN DISTRICT OF CALIFORNIA  NORTHERN DISTRICT OF CALIFORNIA  IS IN CUSTODY  4) On this charge
this person/proceeding is transferred from another	NORTHERN DISTRICT OF CALIFORNIA
district per (circle one) FRCrP 20, 21 or 40. Show	IS IN CUSTODY
District	4) On this charge
	T) Constitution
this is a reprosecution of charges previously dismissed	5) On another conviction  Awaiting trial on other  Fed'l State
which were dismissed on motion of: SHOW DOCKET NO.	of Lines of Lines
U.S. Att'y Defense	If answer to (6) is "Yes", show name of institution
this prosecution relates to a	
pending case involving this same defendant MAGISTRATE	Has detainer Yes If "Yes" give date
prior proceedings or appearance(s) CASE NO.	been filed? No Sive date filed
before U.S. Magistrate regarding this defendant were recorded under	DATE OF Month/Day/Year
	ARREST
Name and Office of Person Furnishing Information on SCOTT N SCHOOLS	Or if Arresting Agency & Warrant were not
THIS FORM SCOTT N. SCHOOLS	DATE TRANSFERRED Month/Day/Year
U.S. Att'y Other U.S. Agency	TO U.S. CUSTODY
Name of Asst. U.S. Att'y	
(if assigned) JAY R. WEILL, AUSA, CHIEF TAX DIV. (415) 436–7017	This report amends AO 257 previously submitted
ADDITIONAL INFOR	RMATION OR COMMENTS
PROCESS:	ANT D-11 Accounts
SUMMONS NO PROCESS* WARRANT Bail Amount:	
If Summons, complete following:  Arraignment Initial Appearance *Where defendant previously apprehended on complaint, no new summons	
	ant needed, since Magistrate has scheduled arraignment
949 Altos Oaks Drive Los Altos, CA 94024	Date/Time:
LOS ATIOS, CAS PROPE	Before Judge:
Comments: Contact IRS Special Agent George Britton re service of Summons (415) 522-6003	